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HOUSE BILL 2950 By
Westmoreland

SENATE BILL 3159
By Ramsey

AN ACT to amend Chapter 261 of the Private Acts of 1947, as amended by Chapter 212 of the Private Acts of 1976, Chapter 183 of the Private Acts of 1978, Chapter 6 of the Private Acts of 1981, Chapter 37 of the Private Acts of 1987, Chapter 84 of the Private Acts of 1993, and any other acts amendatory thereto, relative to the purchasing agent of Sullivan County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 261 of the Private Acts of 1947, as amended by Chapter 212 of the Private Acts of 1976, Chapter 183 of the Private Acts of 1978, Chapter 6 of the Private Acts of 1981, Chapter 37 of the Private Acts of 1987, Chapter 84 of the Private Acts of 1993, and any other acts amendatory thereto, is amended in Section 3 by deleting subsection (a) in its entirety and substituting instead the following new language:

Section 3. (a) Purchases or contracts, including annual contracts, for purchases, as described in Section 2, for the use of any official, employee, department, or agency of the county government, the estimated value of which exceeds five thousand dollars (\$5,000) except in emergencies, shall be executed by the county purchasing agent only after such agent shall have advertised in a newspaper published or circulated in Sullivan County that sealed bids will be received by the county purchasing agent at the time fixed in the advertisement for such materials, supplies, or equipment. The sealed bids received shall be opened publicly at the time and place fixed in the advertisement, not

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less than five (5) days after the publication of the advertisement. No purchase or contract to purchase shall be made or executed until the director of accounts and budgets certifies that the funds are available to the credit of the department or agency of the county government to pay for such materials, supplies, or equipment when delivered to the county and found to meet the specifications of the department or agency of the county government. The county purchasing agent shall have the authority to determine if items meet required specifications and shall have the authority to approve payment for same if a county department or agency disagrees. The right shall be reserved at all times to reject any bids received.

SECTION 2. Chapter 261 of the Private Acts of 1947, as amended, is amended by deleting Section 4 in its entirety and substituting instead the following new language:

Section 4.

(a) The purchasing agent is hereby authorized to make purchases without securing any bids where the estimated value is five hundred dollars (\$500) or less.

(b) When the estimated value of any materials, supplies, or equipment is five thousand dollars (\$5,000) or less, the county purchasing agent shall be authorized to purchase the same without advertising for bids, but must keep a record of the names of the persons, firms or corporations contacted and the name of the person, firms or corporation from whom the purchase is made and the amount paid for such materials, supplies, or equipment.

(c) In the event of an emergency and if the estimated value of any materials, supplies, or equipment exceeds five thousand dollars (\$5,000), the county purchasing agent is authorized to purchase the same without the necessity of advertisement or sealed bids but, in making such purchases, the county agency or official must certify to the county purchasing agent: (1) that

there is an emergency and that there is an immediate need for such requisition;

(2) that the public will suffer if the purchase is delayed to permit advertisement;

(3) that funds are available to pay for the materials, supplies, or equipment to be purchased. In such cases, the county purchasing agent shall obtain the lowest bid for such item and shall keep a record of the names of the persons, firms, or corporations contacted and the name of the person, firm, or corporation from whom the purchase is made and the price paid for such materials, supplies, or equipment.

SECTION 3. Chapter 261 of the Private Acts of 1947, as amended, is amended by deleting Section 7 in its entirety and substituting instead the following new language:

Section 7. That the county purchasing agent may, by regulations or written order: (1) require security to accompany bids, and fix the amount thereof guaranteeing the performance of the contract to be awarded; (2) govern the method and procedure whereby the departments, agencies, or officials of the county shall inform such agent of the need or necessity for the purchase of supplies, equipment, and materials; (3) prescribe forms for estimates, requisitions, purchase orders, and contracts; (4) establish definite or regular periods for submitting estimates or requisitions and, (5) authorize the issuance of monthly requisitions for purchase as requested by county department heads or officials and as approved by the county purchasing agent for items to be purchased at the same place of business during a month, not to exceed two hundred dollars (\$200) per item or one thousand dollars (\$1,000) total per month.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sullivan County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Sullivan County and certified to the Secretary of State.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.